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Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EDWIN MALDONADO,
Plaintiff,

v.

OFFICER JOHN GUNSETT, et al.,
Defendants.
-----X

**FIFTH AMENDED ORDER OF
SERVICE**

21 CV 3719 (VB)

Plaintiff, proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights.

By letter dated January 10, 2022, the Attorney General identified seven of the thirteen John and Jane Doe defendants—specifically John and Jane Doe defendants (1), and (8) through (13). (Doc. #14).

On January 19, 2022, plaintiff filed a second amended complaint—docketed on January 31, 2022—naming the additional defendants identified by the Attorney General. (Doc. #17).

On January 31, 2022, the Court entered an amended Order of Service which directed the U.S. Marshals Service to effect service on the additional named defendants. (Doc. #18).

By letter dated June 2, 2022, the Attorney General identified all the remaining John Doe defendants. (Doc. #48).

By letter dated June 23, 2022, the Attorney General's office provided the correct name and service address for defendant Daniel F. Mulligan, who was previously mistakenly identified as defendant "Maligen." (Doc. #55).

On July 1, 2022, the Court entered a fourth amended Order of Service which directed the U.S. Marshals Service to effect service of the third amended complaint, dated June 17, 2022, which the Court received on June 27, 2022. (Doc. #57).

It has come to the Court's attention that defendants Amanda Saunders, Anthony C. Russo, and Gerard Guiney – who were listed in the first amended Order of Service but were inadvertently omitted from the fourth amended Order of Service – have not been served. In addition, there is no indication on the docket that defendants John Serrell, Kevin O'Connor, Richard Smith, II, Douglas Hildebrandt, and Daniel F. Mulligan have been served, although the Court has been informed that the Marshals Service is in the process of effecting service upon these defendants.

Accordingly, it is HEREBY ORDERED:

1. The Clerk is instructed to fill out a U.S. Marshals Service Process Receipt and Return form for each named defendant listed in the Appendix to this Order. The Clerk is further instructed to issue a summons listing each defendant and deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service upon each of the defendants. The service addresses for the defendants are also appended to this Order.
2. Plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve defendants Saunders, Russo, Guiney, Serrell, O'Connor, Smith, Hildebrandt, and Mulligan is sua sponte extended to December 30, 2022.
3. The Clerk is also instructed to update defendant Daniel F. Mulligan's name – incorrectly entered as John Mulligen – on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Plaintiff also must notify the Court in writing if plaintiff's address changes, and the Court may dismiss the action if he fails to do so.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: November 9, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge

APPENDIX

- 1) Gerard Guiney
c/o Office of Legal Counsel
New York State Department of Corrections and Community Supervision
1220 Washington Avenue
Albany, New York 12226
Att'n: Mark Richter, Esq.
- 2) Anthony C. Russo
c/o Office of Legal Counsel
New York State Department of Corrections and Community Supervision
1220 Washington Avenue
Albany, New York 12226
Att'n: Mark Richter, Esq.
- 3) Amanda Saunders
c/o Office of Legal Counsel
New York State Department of Corrections and Community Supervision
1220 Washington Avenue
Albany, New York 12226
Att'n: Mark Richter, Esq.